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June 3, 1992

Captain Kenneth Smith
Los Angeles County Sheriff's Department
Homicide Bureau
211 West Temple Street
Los Angeles, California 90012

Dear Captain Smith:

In re: S.I.D. File No. 100-7151/91-0463
L.A.S.O. File No. 091-44527-1367-051

On October 3, 1991, Ernie Lopez Solarzano, age 35, was shot and fatally wounded by Los Angeles County Sheriff's deputies. This incident occurred in the City of Paramount. Deputies Ruben Naranjo, Joe Carrion and Andrew Guthrie, all assigned to Lakewood Station Patrol, were the involved deputies.

This incident occurred at approximately 8:00 a.m. We were notified of the shooting by your office at approximately 9:00 a.m. An officer-involved shooting team from this Division consisting of Deputy District Attorney Joseph Shidler and District Attorney Senior Investigator [redacted] responded to the location where they were briefed by Homicide Bureau Lieutenant William Christiansen.

During our investigation, we interviewed several of the civilian witnesses who observed the shooting incident and the surrounding events. In addition, we reviewed the reports prepared by the Homicide Bureau of the Los Angeles County Sheriff's Department and the report of the Los Angeles County Coroner's Office.

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We have concluded that the actions of the involved deputies were justifiable under the criminal law. Hence, we plan no further action in this matter.

STATEMENT OF FACTS

At approximately 8:00 a.m., on October 3, 1991, Los Angeles County Sheriff's Department deputies received a radio call regarding a beating that had just occurred in the 7200 block of Motz Street in the City of Paramount. While responding deputies were en route, the radio call was updated to "assault with a deadly weapon, person with a knife, rescue responding." Further police communications indicated that there was a stabbing victim and children were screaming in the background. The first deputies at the location learned from bystanders that there was a man armed with a shotgun at the rear of the location who was acting like he was on drugs. The deputies receiving this information broadcasted the information and also requested that other police units respond to the street that was to the rear of the location on Motz Street in order to prevent the escape of the armed person and to prevent injury to civilians who might be in the area.

Deputies Ruben Naranjo, Andrew Guthrie and Joe Carrion, all working one-person patrol units of Lakewood Station, heard the broadcasted information and went to the 7200 block of Marcelle Avenue. Marcelle Avenue is the next street south of Motz Street and is the street which is to the rear of the involved houses on Motz Street.

Deputy Naranjo was the first deputy to arrive at the Marcelle Avenue location. He was followed by Deputy Guthrie. When they arrived, a paramedic truck and an ambulance were in front of a residence on Marcelle Avenue. Deputy Naranjo heard screams coming from the house. Someone yelled, "He's in the garage. He's in the garage, he has a shotgun."

Deputies Naranjo and Guthrie looked in the direction of the garage that was at the rear of the property. They saw a man, subsequently identified as Ernie Lopez Solarzano, standing by the garage. Solarzano, who was shirtless, matched the description of the individual reported to the sheriffs. He was armed with a shotgun and was waving it around, pointing it in the direction of Deputy Naranjo. He was making movements as if he was trying to chamber a round into the pump-action shotgun. Both deputies repeatedly yelled at Solarzano to drop the weapon. Deputy Naranjo yelled this in both Spanish and English. Solarzano responded by yelling an obscenity at the deputies.

Solarzano ran from the garage to the rear door of a residence that was near the front of the property. He ran this distance in a zig-zag pattern. The rear door faced the

driveway. Solarzano was still in view of the deputies who had taken cover behind vehicles parked in the street near the driveway.

Deputy Carrion arrived at the Marcelle Avenue location at about this time. He saw Solarzano, armed with a shotgun, crouched down by the rear door of the house. He also saw Deputies Guthrie and Naranjo taking cover behind the vehicles. Deputy Carrion saw Solarzano point the shotgun at Deputy Guthrie. Carrion heard both deputies order Solarzano to drop the weapon. Solarzano was moving the weapon back and forth, pointing it at both deputies. Solarzano crouched down and yelled something at Deputy Carrion, and then stood up. Deputy Carrion indicated to Homicide Bureau detectives that he feared that his life and the lives of those in the immediate area were in danger. He fired several rounds at Solarzano. Solarzano ducked down and then raised up again. Deputy Carrion fired several more rounds at him. It was later determined that Deputy Carrion had fired a total of thirteen rounds from his nine-millimeter handgun.

When Deputies Naranjo and Guthrie saw Solarzano at the rear of the house, they were aware there were people in that house. They were concerned with the safety of the occupants of the house as well as the safety of the deputies who were responding to the location. From their observations of the actions of Solarzano, they were convinced Solarzano was going to use the shotgun he was carrying. Deputy Guthrie initially fired three rounds from his shotgun and followed it with another round when Solarzano raised up. Deputy Naranjo indicated that he fired two or three rounds from his nine-millimeter handgun. Two nine-millimeter expended casings were later recovered from the location from which Deputy Naranjo fired.

Solarzano was struck by several of the rounds that were fired and fell to the ground. A twelve-gauge shotgun was recovered adjacent to where he lay wounded. The shotgun was later determined to be unloaded.

Solarzano was transported to the hospital. However, he did not respond to treatment. An autopsy performed by the Los Angeles County Coroner's Office determined the cause of death to be due to multiple firearm wounds. Solarzano was struck by three handgun bullets and three shotgun pellets. The toxicological analyses performed in conjunction with the autopsy determined that Mr. Solarzano was under the influence of methamphetamine at the time of his death.

Upon subsequent investigation, it was learned that at approximately 8:00 a.m., that day, Solarzano entered the residence of [redacted] which was at the rear of a lot on Motz Street. He asked [redacted] where [redacted] was. When [redacted] told him that he didn't know [redacted] Solarzano began fighting with him. Solarzano picked up a knife that was lying in the living room. The fight continued outside where [redacted]

received several serious stab wounds. [redacted] sent his two young [redacted] to the house [redacted] to his in an attempt to get them away from Solarzano. He re-entered his house and retrieved a twelve-gauge shotgun. He tried to load it but was confronted by Solarzano before he could get the shells in. [redacted] challenged Solarzano with the unloaded weapon. Solarzano pulled the weapon away from him. [redacted] ran to the house [redacted] door where he had sent his [redacted] Solarzano ran after him and followed him into the house. The resident of that house fired one round from a single-shot shotgun in the air in an unsuccessful attempt to scare off Solarzano. The [redacted] had already sent [redacted] two children over the back fence toward the houses which fronted on [redacted] followed over the fence and sought refuge in those houses. [redacted] was being treated by the paramedics in the house on [redacted] when the deputies arrived at the scene.

Solarzano followed [redacted] over the fence. He broke into the house at the rear of the lot and continued to the garage. It was at this point that Deputies Naranjo and Guthrie observed him to advance toward the rear door of the house at the front of the property.

We interviewed civilian witnesses to these events as did your Homicide Bureau detectives. Several witnesses related hearing the deputies telling Solarzano to drop the shotgun several times prior to the deputies firing their weapons. One witness who observed the shooting told us that Solarzano was pointing the weapon at the deputies when the deputies fired at him.

LEGAL ANALYSIS

Under California law, an individual may use all force and means that appear to be reasonably necessary to defend himself or another person from attack if, as a reasonable person, he has grounds for believing and does believe that bodily injury is about to be inflicted upon him or another person. California Jury Instruction--Criminal (CALJIC) 5.30, 5.32. Moreover, actual danger is not necessary to justify self-defense. A person who is confronted by the appearance of danger which arouses an honest and reasonable belief that he or another person is about to suffer bodily injury, has the same right of self-defense whether the danger is real or merely apparent. CALJIC 5.51.

In this case, the deputies were confronted by a suspect who was armed with a shotgun. The suspect did not respond to the demands of the deputies to drop the shotgun. Instead, the suspect kept trying to chamber a round in the shotgun and repeatedly pointed it at the deputies. The deputies heard the screaming coming from the residence. They had been notified by police communications that an

assault had been committed and that there was a stabbing victim. Under these circumstances, the deputies were justified in believing that their safety as well as the safety of the people in the house and the safety of other deputies was in danger and therefore their actions were justifiable.

Accordingly, we plan no further action in this matter and are now closing our file.

Very truly yours,

IRA REINER
District Attorney

R. DAN MURPHY
Assistant District Attorney

By Joseph D. Shidler

JOSEPH D. SHIDLER
Deputy District Attorney

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c: Deputy Ruben Naranjo, #[redacted]
Deputy Joe Carrion, #[redacted]
Deputy Andrew Guthrie, #[redacted]